

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA GLOWACKI, on behalf of her
minor children, D.K.G. and D.C.G.,

Plaintiffs,

v.

HOWELL PUBLIC SCHOOL DISTRICT,
and JOHNSON (“JAY”) MCDOWELL,
individually and in his official capacity as a
teacher in the Howell Public School District,

Defendants.

Case No. 2:11-cv-15481

Hon. Patrick J. Duggan

Mag. Judge David R. Grand

**ORDER GRANTING THE AMERICAN CIVIL LIBERTIES UNION AND THE
AMERICAN CIVIL LIBERTIES UNION FUND OF MICHIGAN’S MOTION FOR
LEAVE TO FILE AMICUS CURIAE BRIEF**

The American Civil Liberties Union and the American Civil Liberties Union Fund of Michigan (collectively, the “ACLU”) move for leave to file an *amicus curiae* brief to elucidate the intersection of First Amendment rights in schools and efforts by school officials to curtail harassment and bullying. The ACLU is a nonprofit, nonpartisan organization dedicated to protecting the fundamental liberties and basic civil rights guaranteed by the United States Constitution. The ACLU Fund of Michigan is the legal and educational wing of the ACLU of Michigan, and an affiliate of the national ACLU. The ACLU has over 500,000 members. Defendant Howell Public School District consents to the filing of the ACLU’s brief, but Defendant McDowell objects. Plaintiffs have not responded to the ACLU’s inquiry.

Filing an *amicus* brief is a “privilege within the sound discretion of the courts, depending upon a finding that the proffered information . . . is timely, useful, or otherwise necessary to the administration of justice.” *United States v. State of Michigan*, 940 F.2d 143, 165 (6th Cir. 1991)

(internal citations and quotation marks omitted). “An amicus brief should normally be allowed . . . when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Protect Our Land & Rights Def. Fund v. Enbridge Energy, LP*, No. 12-14161, 2012 U.S. Dist. LEXIS 153240, at *2 (E.D. Mich. Oct. 25, 2012) (Cleland, J.) (citations omitted).

The ACLU’s proposed *amicus* brief engages in a thorough review of Defendant Howell Public School District’s policies challenged by Plaintiffs, offers empirical context, and provides a more in-depth discussion of the complex legal issues involved in the instant case than do the parties’ briefs. Given the ACLU’s involvement in defending students’ constitutional right to free speech and its work related to protecting students’ rights to be free from harassment and bullying, granting leave may assist the Court in resolving the disputed legal issues.

Accordingly,

IT IS ORDERED that the ACLU’s Motion for Leave to File *Amicus Curiae* Brief is **GRANTED**. The ACLU is **DIRECTED** to file their *amicus curiae* brief by March 8, 2013.

Dated: March 5, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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